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NOTICE OF ALLOWANCE AND FEE(S) DUE

21254

7590

04/09/2009

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

MEINICKER, DIAZ, SUSANNA M

ART UNIT

PAPER NUMBER

3692

DATE MAILED: 04/09/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,358	03/05/2002	Hiroshi Kawahara	P-0285-US	2922

TITLE OF INVENTION: TRANSACTION ADJUSTING DEVICE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	07/09/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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21254 7590 04/09/2009
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 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	07/09/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
MEINECKE DIAZ, SUSANNA M	3692	705-008000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
 Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1002 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1002 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/070,358

Applicant(s)

KAWAHARA ET AL.

Examiner

Susanna M. Diaz

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Examiner's amendment agreed to on March 24, 2009.
2. ☒ The allowed claim(s) is/are 1-3,5-9,11-13,16-18 and 21-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Susanna M. Diaz/
Primary Examiner, Art Unit 3692

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Donald DiPaula (Reg. No. 58,115) on March 24, 2009.

The application has been amended as follows:

Please cancel claim 14.

Please amend claims 1, 8, 13, 16-18, 21, and 22 as follows:

Claim 1. (Currently Amended) A transaction coordinating device for coordinating an insertion of a spot transaction based on a temporary contract being made without respect to a fixed transaction based on a contract of predetermined term, said spot transaction comprising a transaction based on a one-time sales contract or based on an intermittent supply contract which is completed in a few times, said fixed transaction comprising a long-term stable offtake contract of predetermined term in which transportation schedules can be confirmed at least about a year before, said transaction coordinating device comprising:

means for arranging an insertion of a cargo transportation relating to said spot transaction into a predetermined schedule of a cargo transportation relating to said fixed

transaction of predetermined term, said insertion being arranged by adjusting the predetermined schedule of said cargo transportation relating to said fixed transaction of predetermined term; and

means for delivering sales data of the spot transaction to participants in the spot transaction and to the insertion arrangement means and delivering transportation adjusting data from the insertion arrangement means to the participants in the spot transaction, wherein:

said insertion arrangement means arranges an adjustment of cargo transportations in a first transportation schedule by an insertion of a cargo transportation of said spot transaction without changing said first transportation schedule,

said first transportation schedule comprising shipping dates, unload dates, minimum days of navigation, and scheduled days of navigation for one or more freighters,

said adjustment of cargo transportations comprising a first freighter in said first transportation schedule being allocated as an additional freighter and a remainder of freighters in said first transportation schedule being shifted sequentially to be allocated to an original purchaser scheduled transportation of said first transportation schedule,

said insertion arrangement means arranges an insertion of a cargo transportation of said spot transaction by changing said first transportation schedule only in an event that the cargo transportation adjustment is impossible,

said changing of said first transportation schedule comprising changing one or more of a date when a freighter ships, a date when a freighter unloads, and a number of days a freighter is under navigation,

said insertion arrangement means arranges an insertion of cargo transportation of said spot transaction by changing a second transportation schedule within a certain range only in an event that the first transportation schedule changing is impossible,

said changing of second transportation schedule comprising one or more of moving a freighter from said second transportation schedule into said first transportation schedule and moving a freighter from said first transportation schedule into said second transportation schedule, and

said insertion arrangement means arranges an insertion of cargo transportation of said spot transaction by changing another transportation schedule within a range to which said certain range is expanded only in an event that the second transportation schedule changing is impossible, an adjustment or change being impossible if said adjustment or change would result in a failure to comply with terms of a fixed transaction.

Claim 8. (Currently Amended) A method of coordinating transactions and delivering cargo associated with said coordinated transactions applicable at inserting a spot transaction based on a temporary contract being made without respect to a fixed transaction based on a contract of predetermined term, said spot transaction comprising a transaction based on a one-time sales contract or based on an intermittent supply

contract which is completed in a few times, said fixed transaction comprising a long-term stable offtake contract of predetermined term in which transportation schedules can be confirmed at least about a year before,

said method comprising:

setting a first transportation schedule of cargo transportation relating to said fixed transaction; and, concurrently, storing data associated with transportation in advance;

reading the data associated with said transportation in an event said spot transaction arises;

arranging an insertion of cargo transportation relating to said spot transaction by adjusting the said first transportation schedule ~~of cargo transportation relating to said fixed transaction~~ based on the read data associated with said transportation;

and loading, transporting, and delivering said cargo in accordance with said schedule,

wherein an arrangement of insertion of cargo transportation of said spot transaction is conducted sequentially by:

a first stage of arranging an insertion of cargo transportation of said spot transaction without changing said first transportation schedule if such insertion is not impossible;

a second stage of arranging an insertion of cargo transportation of said spot transaction by changing said first transportation schedule, only in an event that the first stage arrangement is impossible;

a third stage of arranging an insertion of cargo transportation of said spot transaction by changing ~~another~~ a second transportation schedule within a certain range, only in an event that the first and second stage arrangements are impossible; and

a fourth stage of arranging an insertion of cargo transportation of said spot transaction by changing said second ~~another~~ transportation schedule within a range to which said certain range is expanded, only in an event that the first, second and third stage arrangements are impossible,

said first transportation schedule comprising shipping dates, unload dates, minimum days of navigation, and scheduled days of navigation for one or more freighters,

said first stage of insertion of cargo transportations comprising a first freighter in said first transportation schedule being allocated as an additional freighter and a remainder of freighters in said first transportation schedule being shifted sequentially to be allocated to an original purchaser of said first transportation schedule,

said second stage of changing said first transportation schedule comprising changing one or more of a date when a freighter ships, a date when a freighter unloads, and a number of days a freighter is under navigation,

said third stage of changing said second transportation schedule comprising one or more of moving a freighter from said second transportation schedule into said first transportation schedule and moving a freighter from said first transportation schedule into said second transportation schedule,

an adjustment or change being impossible if said adjustment or change would result in a failure to comply with terms of a fixed transaction.

Claim 13. (Currently Amended) A computer-readable ~~recording~~ medium on which is stored a program of instructions ~~for which when executed by a digital device causes an~~ inserting of a spot transaction based on a temporary contract, said temporary contract being made without respect to a fixed transaction based on a contract of predetermined term, said spot transaction comprising a transaction based on a one-time sales contract or based on an intermittent supply contract which is completed in a few times, said fixed transaction comprising a long-term stable ~~offtake~~ contract of predetermined term in which transportation schedules can be confirmed at least about a year before, which program when executed by a digital device causes the enactment of the steps of:

reading previously stored data associated with transportation in an event that said spot transaction arises; and

adjusting an insertion of cargo transaction relative to said spot transaction with respect to a schedule of cargo transportation relative to said fixed transaction of predetermined term, based on the read data associated with said transportation,

said adjusting of cargo transportations comprising a first freighter in said schedule being allocated as an additional freighter and a remainder of freighters in said schedule being shifted sequentially to be allocated to an original purchaser of said schedule,

wherein the program executes the adjustment of the insertion of cargo transportation of said spot transactions sequentially by:

a first step of adjusting the insertion of the cargo transportation of said spot transaction without changing said transportation schedule;

a second step of adjusting the insertion of the cargo transportation of said spot transaction by changing said transportation schedule, only in an event that the first step is impossible, said changing of said transportation schedule comprising changing one or more of a date when a freighter ships, a date when a freighter unloads, and a number of days a freighter is under navigation;

a third step of adjusting the insertion of the cargo transportation of said spot transaction by changing another transportation schedule within a certain range, only in an event that the second step is impossible, said changing of said another transportation schedule comprising one or more of moving a freighter from said another transportation schedule into said transportation schedule and moving a freighter from said transportation schedule into said another transportation schedule; and

a fourth step of adjusting the insertion of the cargo transportation of said spot transaction by changing another transportation schedule within a range to which said certain range is expanded, only in an event that the third step is impossible,

an adjustment or change being impossible if said adjustment or change would result in a failure to comply with terms of a fixed transaction.

Claim 16. (Currently Amended) A computer-readable recording medium on which is stored a program of instructions ~~for~~ which when executed by a digital device causes an inserting of a spot transaction based on a temporary contract as claimed in claim 13, wherein a commodity of said transaction comprises a liquefied natural gas and containers containing said liquefied natural gas transported on a sea or on a road are used in said transportation, and said cargo transportations are constrained by requirements of transporting liquefied natural gas.

Claim 17. (Currently Amended) A computer-readable recording medium on which is stored a program of instructions ~~for~~ which when executed by a digital device causes an inserting of a spot transaction based on a temporary contract as claimed in claim 16 for adjusting the insertion of cargo transportation of said spot transaction as based on at least a predetermined number of days of operation and an actually required minimum number of days of operation of a freighter under navigation,

wherein said predetermined number of days of operation is greater than or equal to said actually required minimum number of days of operation.

Claim 18. (Currently Amended) A computer-readable medium ~~program-product~~ containing on which is stored a computer program ~~for~~ which when executed by a digital device causes an inserting of a spot transaction based on a temporary contract, said temporary contract being made without respect to a fixed transaction based on a contract of predetermined term, said spot transaction comprising a transaction based on

a one-time sales contract or based on an intermittent supply contract which is completed in a few times, said fixed transaction comprising a long-term stable offtake contract of predetermined term in which transportation schedules can be confirmed at least about a year before, said program ~~product~~ when executed by a digital device thereby comprising:

a means for reading previously stored data associated with transportation in an event said spot transaction arises; and

a means for adjusting an insertion of cargo transportation relative to said spot transaction with respect to a previously set schedule of one or more of single and plural cargo transportations relative to said fixed transaction based on a read data associated with said transportation,

said adjustment of cargo transportations comprising a first freighter in said previously set schedule being allocated as an additional freighter and a remainder of freighters in said previously set schedule being shifted sequentially to be allocated to an original purchaser of said first transportation schedule,

wherein the program executes sequentially by:

a first means for adjusting the insertion of a cargo transportation of said spot transaction without changing said transportation schedule;

a second means for adjusting the insertion of a cargo transportation of said spot transaction by changing said transportation schedule, only in an event that the first means adjustment is impossible, said changing of said transportation schedule

comprising changing one or more of a date when a freighter ships, a date when a freighter unloads, and a number of days a freighter is under navigation;

a third means for adjusting the insertion of a cargo transportation of said spot transaction by changing another transportation schedule within a certain range, only in an event that the second means adjustment is impossible,

said changing of another transportation schedule comprising one or more of moving a freighter from said another transportation schedule into said transportation schedule and moving a freighter from said transportation schedule into said another transportation schedule; and

a fourth means for adjusting the insertion of a cargo transportation of said spot transaction by changing another transportation schedule within a range to which said certain range is expanded, only in an event that the third means adjustment is impossible,

an adjustment or change being impossible if said adjustment or change would result in a failure to comply with terms of a fixed transaction.

Claim 21. (Currently Amended) A program product on which is stored an executable computer program as claimed in claim 18, wherein a commodity involved in said transaction comprises a liquefied natural gas and containers containing said liquefied natural gas transported on a sea or on a road are used in said transportation, and said cargo transportations are constrained by requirements of transporting liquefied natural gas.

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Claim 22. (Currently Amended) A program product on which is stored an executable computer program as claimed in claim 21 for adjusting an insertion of cargo transportation of said spot transaction, wherein said adjusting is based on at least a predetermined number of days of operation and an actually required minimum number of days of operation of a freighter under navigation,

wherein said predetermined number of days of operation is greater than or equal to said actually required minimum number of days of operation.

Allowable Subject Matter

2. Claims 1-3, 5-9, 11-13, 16-18, and 21-27 are allowed.

Conclusion

3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Susanna M. Diaz/
Primary Examiner, Art Unit 3692